



Aboriginal and Torres Strait
Islander Health Practice
Chinese Medicine
Chiropractic
Dental
Medical
Medical Radiation Practice
Nursing and Midwifery
Occupational Therapy
Optometry
Osteopathy
Pharmacy
Physiotherapy
Podiatry
Psychology

Australian Health Practitioner Regulation Agency

Information guide about the advertised vacancies – practitioner members and Chairs, National Boards

22 March 2014

Applications are invited from suitably qualified and experienced persons to be appointed as a **practitioner member / chair** on a **National Board** by the Australian Health Workforce Ministerial Council.

The vacancies are for a:

- practitioner member from South Australia on the Chiropractic Board of Australia
- practitioner member from New South Wales on the Osteopathy Board of Australia
- practitioner member from Western Australia on the Osteopathy Board of Australia

Therefore, for these vacancies you must hold current registration as a chiropractor/or osteopath in Australia. Registration and probity checks will be conducted as part of the selection process.

Also for these vacancies, you must practice your profession in the relevant jurisdiction (South Australia, New South Wales or Western Australia). This is because the Chiropractic Board of Australia and the Osteopathy Board of Australia each have a 9 person board with a health practitioner member from each large participating jurisdiction – and this is where the vacancies have arisen.

The vacancies are arising from the expiry of the current terms of board members and Chairs on 30 August 2014.

Appointments are made by the Ministerial Council under the Health Practitioner Regulation National Law, as in force in each state and territory (the National Law).

Background

The National Registration and Accreditation Scheme (the National Scheme) is established under the National Law, as in force in each state and territory (the National Law). The Australian Health Practitioner Regulation Agency (AHPRA) and each of the National Boards are established under the National Law. The National Law can be accessed from the AHPRA website: <http://www.ahpra.gov.au/Legislation-and-Publications/Legislation.aspx>

Australian Health Practitioner Regulation Agency

National Boards are supported by AHPRA which has a national office based in Melbourne and offices in every state and territory. National Board vacancies are required to be advertised. AHPRA may assist the Ministerial Council in the process of appointing members of a National Board, including in the advertising of vacancies.

National Boards

Part 5 and Schedule 4 of the National Law set out the provisions relating to National Boards. The relevant sections are included in [the appendix](#).

There are 14 National Boards established under the National Law, to regulate their corresponding health professions:

- Aboriginal and Torres Strait Islander Health Practice Board of Australia
- Chinese Medicine Board of Australia
- Chiropractic Board of Australia
- Dental Board of Australia
- Medical Board of Australia
- Medical Radiation Practice Board of Australia
- Nursing and Midwifery Board of Australia
- Occupational Therapy Board of Australia
- Optometry Board of Australia
- Osteopathy Board of Australia
- Pharmacy Board of Australia
- Physiotherapy Board of Australia
- Podiatry Board of Australia
- Psychology Board of Australia.

Potential applicants may be interested in accessing the *AHPRA and National Board Annual Reports*, which provide information and data on the National Scheme, including extensive data on health practitioner registration and regulation.

The annual reports are accessible from the AHPRA website: <http://www.ahpra.gov.au/Legislation-and-Publications/AHPRA-Publications.aspx>

Role, responsibilities, and conduct of board members

Role and responsibilities

Part 5 and Schedule 4 of the National Law set out the provisions relating to National Boards. The functions of a Board include:

- registering practitioners and students in the relevant health profession
- developing standards, codes and guidelines for the relevant health profession
- investigating notifications and complaints
- where necessary, conduct panel hearings and refer serious matters to Tribunal hearings
- assessing overseas trained practitioners who wish to practise in Australia
- approving accreditation standards and accredited courses of study

Board members are required to act within the powers and functions set out in the National Law.

Under the National Law, board members are required to act impartially and in the public interest in the exercise of their functions and put the public interest before the interests of particular health practitioners or any entity that represents health practitioners.

Principles

In addition to the obligations outlined in the National Law, board members should adhere to the following fundamental principles that define the standards of conduct expected of a board member:

- **Act with honesty and integrity**

This includes:

- o being open and transparent in all dealings associated with the Board;
- o using power responsibly
- o not placing yourself in a position of conflict of interest, and
- o striving to earn and sustain public trust of a high level.

- **Act in good faith in the best interests of the Board**

This includes:

- o demonstrating accountability for your actions
- o accepting responsibility for decisions
- o not engaging in activities that may bring you or the Board into disrepute.

- **Act fairly and impartially**

This includes:

- o avoiding bias, discrimination, caprice or self-interest; demonstrating respect for others by acting in a professional and courteous manner.

- **Use information appropriately**

This includes:

- o ensuring information gained as a Board member is only applied to proper purposes and is kept confidential, and
- o confidential information received by a Board member in the course of exercising their duties as a Board member should not be disclosed unless the disclosure has been authorised by the Board; or the person from whom the information is provided; or is required by law.

- **Use the position appropriately**

This includes:

- o not using the position as a Board member to seek an undue advantage for yourself, family members or associates, or to cause detriment to the Board
- o declining gifts or favours that may cast doubt on your ability to apply independent judgement as a member of the Board.

- **Exercise due care, diligence and skill**

This includes:

- o ascertaining all relevant information
- o making reasonable enquiries
- o understand the financial, strategic and other implications of decisions.

- **Demonstrate leadership and stewardship.**

Membership of other organisations or professional bodies

Board members may also be members of other organisations or professional bodies that may, from time-to-time, express a view on the work of the Board or the National Scheme. Although the National Law does not preclude a board member's participation as part of other organisations or professional bodies, due regard should be given to any potential conflicts.

Managing conflict of interest and bias

The National Law includes extensive provisions in relation to conflict of interest. The National Boards have business rules and processes in place to manage real and/or perceived conflicts of interest and to record of conflict of interest.

As a general rule, board members must declare any actual and possible conflict of interest in relation to matters to be considered at a meeting. All board members must also declare and exclude themselves from decision-making in relation a matter in which they are biased, or might be perceived to be biased.

Commitment of board members

This information is provided to help inform applicants about the commitment that is required of all board members appointed by the Ministerial Council to the roles.

All board members need to be able to give an active commitment to the work of the Board.

National Boards meet on average **at least** six times but generally 11 times a year.

Committees of the National Boards will meet as agreed by the National Boards. It is usual for board members to also be a member of at least one committee. Meetings are scheduled on an as needed basis and convened as appropriate to the needs of the Board.

There is also preparation required for each board and/or committee meeting (including pre-reading of the agenda and agenda papers provided for each meeting).

In practice, this will mean that your commitment as a National Board member will often take around two three full days per month, and may be much more, in addition to travel time to and from the meetings.

Meetings may be held face-to-face, via teleconference or videoconference, or out-of-session.

Board members may attend different types of meetings, including:

- Scheduled Board meetings which are routinely held in the AHPRA National Office in Melbourne, during business hours.
- Additional Board meetings which are held between scheduled Board meetings when additional matters need to be considered or urgent decisions need to be made.
- Committee meetings: different committees may meet to consider particular issues and then report back to the Board.
- Retreats or planning days: these are often held away from the normal meeting location for a full day or weekend. They allow Board members to take part in deeper discussions about strategic challenges and directions for the next year or beyond.

Board members are expected, as far as practical, to attend all meetings including teleconferences and video conference.

In the event that a board member cannot attend a meeting, they are required to advise the Chair prior to the meeting. In the unlikely event that a board member is absent without being granted leave by the Chair for three or more consecutive meetings, the office of the board member may be declared vacant, in accordance with schedule 4, clause 4(1)(d) of the National Law.

Each National Board publishes a Communiqué, following its scheduled board meetings. Potential applicants are encouraged to visit the relevant Board's website for the communiqués to gain a better understanding of the work of the Board and current issues under consideration.

For these vacancies, the communiqués are available from:

- <http://www.chiropracticboard.gov.au/> (Chiropractic Board of Australia)
- <http://www.osteopathyboard.gov.au/> (Osteopathy Board of Australia)

Appointment of board members

National Board members are appointed by the Australian Health Workforce Ministerial Council in accordance with the National Law. See the **Appendix** to this Guide for relevant provisions of the National Law.

Terms and conditions of appointment

Term of appointment

The term of appointment may be for a period of up to three years and is determined by the Australian Health Workforce Ministerial Council.

For these vacancies, it is anticipated that the terms of appointment will start from 30 August 2014. However, this is subject to the completion of this selection process, and the decision of the Ministerial Council. This indicative timing is provided for guidance purposes only.

Remuneration

The remuneration for members of a National Board is determined by the Australian Health Workforce Ministerial Council having regard to the remuneration generally applied to regulatory bodies with a substantial influence on the health industry.

The current remuneration (daily sitting fee) is as follows:

Role	Attendance – daily sitting fees (includes preparation and up to 4 hours travel time)
Board Chair	\$720 (for more than 4 hours)
Board member	\$590 (for more than 4 hours)
For meetings that are less than four hours, half the daily fee is payable.	

Business rules for the payment of sitting fees and expenses are set by AHPRA.

As a general guide, the daily fee applies for board member attendance in person or by telephone at a scheduled Board meeting. The daily fee includes meeting preparation time for the scheduled Board meeting and up to four hours of travel time. Where Board meetings are held in between scheduled Board meetings, they are usually conducted by teleconference or out-of-session and are of a shorter duration (less than four hours). As such, half the daily fee is payable.

The fee includes meeting preparation time. Board members are entitled to reimbursement of any reasonable out-of-pocket expenses incurred during the course of undertaking Board business.

Statutory protections

Under section 236 of the National Law, members of the National Boards are provided with appropriate statutory immunities for exercising their functions in good faith.

Applying for appointment to the vacant positions

Please **complete**

- all sections of the **Application Form – expression of interest for appointment**
- the **National Criminal History Check**: consent to check and release criminal history information and proof of identity form (please remember to attach your proof of identity documents)

Please **also provide** your **two-page** CV or resume, including the names of two referees and their contact details.

Section 2 asks you to answer questions to enable your eligibility for appointment to a National Board to be assessed. Section 34 of the National Law sets out the eligibility requirements for a practitioner member on a National Board.

To be eligible for appointment under the National Law as a practitioner member, you must be a registered health practitioner in the health profession for which the Board is established.

A person is not eligible to be appointed as a member of a National Board if the person has –

- (a) in the case of a practitioner member, ceased to be registered as a health practitioner in the health profession for which the Board is established, whether before or after commencement of the National Law, as a result of the person's misconduct, impairment, or incompetence; or
- (b) at any time, been found guilty of an offence (whether in a state or territory or elsewhere) that in the opinion of the Ministerial Council, renders the person unfit to hold the office of member.

Therefore, for these vacancies, to be eligible for appointment on the:

- Chiropractic Board of Australia you must be a currently registered chiropractor and be from South Australia
- Osteopathy Board of Australia you must be a currently registered osteopath and be from New South Wales or Western Australia

Registration and probity checks will be conducted as part of the selection process.

Board member skills, experience and attributes

In accordance with the National Law, in deciding whether to appoint a person as a Chair or member of a Board, the Ministerial Council must have regard to the skills and experience of the person that are relevant to the Board's functions.

It is considered that a practitioner member will bring to the Board sound experience in the health profession for which the Board is established and will have an appreciation and understanding of the role of the Board.

Further, while the National Law does not define the required attributes of a practitioner member, it is considered that the desired attributes for all board members are:

1. **Displays Integrity:** is ethical, committed, diligent, prepared, organised, professional, principles-based and respectful, values diversity, and shows courage and independence
2. **Thinks critically:** is objective and impartial, uses logical and analytical processes, distils the core of complex issues and weighs up options
3. **Applies Expertise:** actively applies relevant knowledge, skills and experience to contribute to decision-making
4. **Communicates constructively:** is articulate, persuasive and diplomatic, is self-aware and reflects on personal impact and effectiveness, listens and responds constructively to contributions from others
5. **Focuses strategically:** takes a broad perspective, can see the big picture, and considers long term impacts

6. **Collaborates in the interests of the Scheme:** is a team player, flexible and cooperative, creates partnerships within and between Boards and AHPRA.

Experience serving on a national or state/territory/regional registration board may be well regarded.

In addition to the attributes that are expected for all Board members, **National Board Chairs** are expected to demonstrate the following attributes:

7. **Demonstrates leadership:** is confident, decisive and acts without fear or favour, is at the forefront of professional regulation, drives reform and facilitates change
8. **Engages externally:** is the spokesperson for the Board and advocate for the Scheme, defines the nature and tone of engagement, builds and sustains stakeholder relationships
9. **Chairs effectively:** establishes and follows well organised agendas, facilitates input from all members, builds consensus, distils core issues, summarises discussion and confirms decisions ensuring they are accurately recorded

Applicants are also required to provide information on whether they are current members of other government or statutory bodies. Please ensure your application fully addresses your skills, experience and attributes as above.

Selection process

A selection advisory panel may be convened as part of this process to provide advice on the most suitable candidates for appointment, for consideration by the Ministerial Council.

Shortlisted applicants may be interviewed or otherwise assessed to ensure that they have the necessary qualifications, skills and experience for the position.

Shortlisted applicants will undergo probity checks, which include:

- A criminal National Police record check by CrimTrac.
- An Australian Securities and Investments Commission disqualification register check.
- A National Personal Insolvency Index check conducted through the Insolvency and Trustee Service Australia.

AHPRA may also ask shortlisted applicants to complete and return a declaration of private interests form.

Where the position is that of a **practitioner member**, a check of Board records will be undertaken to ensure the practitioner is registered and of good standing.

The National Criminal History Check form will be processed by a suitably trained AHPRA officer.

Referee reports are also an important part of this process and may be obtained for shortlisted applicants. **If not already provided in their CV or resume**, shortlisted applicants may be asked to nominate two or three referees who can support the application relevant to the board member attributes and duties of the position.

Appendix

Extract of relevant provisions from the *Health Practitioner Regulation National Law Act (National Law)* as in force in each state and territory

3 Objectives and guiding principles

- (1) The object of this Law is to establish a national registration and accreditation scheme for:
 - (a) the regulation of health practitioners; and
 - (b) the registration of students undertaking:
 - i. programs of study that provide a qualification for registration in a health profession; or
 - ii. clinical training in a health profession.
- (2) The objectives of the national registration and accreditation scheme are:
 - (a) to provide for the protection of the public by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered; and
 - (b) to facilitate workforce mobility across Australia by reducing the administrative burden for health practitioners wishing to move between participating jurisdictions or to practise in more than one participating jurisdiction; and
 - (c) to facilitate the provision of high quality education and training of health practitioners; and
 - (d) to facilitate the rigorous and responsive assessment of overseas-trained health practitioners; and
 - (e) to facilitate access to services provided by health practitioners in accordance with the public interest; and
 - (f) to enable the continuous development of a flexible, responsive and sustainable Australian health workforce and to enable innovation in the education of, and service delivery by, health practitioners.

- (3) The guiding principles of the national registration and accreditation scheme are as follows:
 - (a) the scheme is to operate in a transparent, accountable, efficient, effective and fair way;
 - (b) fees required to be paid under the scheme are to be reasonable having regard to the efficient and effective operation of the scheme;
 - (c) restrictions on the practice of a health profession are to be imposed under the scheme only if it is necessary to ensure health services are provided safely and are of an appropriate quality.

National Board members

The following sections of the National Law set out the legislative requirements for appointment of National Board members:

33 Membership of National Boards

- (1) A National Board is to consist of members appointed in writing by the Ministerial Council.
- (2) Members of a National Board are to be appointed as practitioner members or community members.
- (3) Subject to this section, the Ministerial Council may decide the size and composition of a National Board.
- (4) At least half, but not more than two-thirds, of the members of a National Board must be persons appointed as practitioner members.
- (5) The practitioner members of a National Board must consist of—
 - (a) at least one member from each large participating jurisdiction; and
 - (b) at least one member from a small participating jurisdiction.
- (6) At least 2 of the members of a National Board must be persons appointed as community members.
- (7) At least one of the members of a National Board must live in a regional or rural area.
- (8) A person cannot be appointed as a member of a National Board if the

person is a member of the Agency Management Committee.

- (9) One of the practitioner members of the National Board is to be appointed as Chairperson of the Board by the Ministerial Council.
- (10) Schedule 4 sets out provisions relating to a National Board.
- (11) In this section—

large participating jurisdiction means any of the following States that is a participating jurisdiction—

- (a) New South Wales;
- (b) Queensland;
- (c) South Australia;
- (d) Victoria;
- (e) Western Australia.

small participating jurisdiction means any of the following States or Territories that is a participating jurisdiction—

- (a) the Australian Capital Territory;
- (b) the Northern Territory;
- (c) Tasmania.

34 Eligibility for appointment

- (1) In deciding whether to appoint a person as a member of a National Board, the Ministerial Council is to have regard to the skills and experience of the person that are relevant to the Board's functions.
- (2) A person is eligible to be appointed as a practitioner member only if the person is a registered health practitioner in the health profession for which the Board is established.
- (3) A person is eligible to be appointed as a community member of a National Board only if the person—
 - (a) is not a registered health practitioner in the health profession for which the Board is established; and
 - (b) has not at any time been registered as a health practitioner in the health profession under this Law or a corresponding prior Act.
- (4) A person is not eligible to be appointed as a member of a National Board if—
 - (a) in the case of appointment as a practitioner member, the person

has ceased to be registered as a health practitioner in the health profession for which the Board is established, whether before or after the commencement of this Law, as a result of the person's misconduct, impairment or incompetence; or

- (b) in any case, the person has, at any time, been found guilty of an offence (whether in a participating jurisdiction or elsewhere) that, in the opinion of the Ministerial Council, renders the person unfit to hold the office of member.

The following clauses in **Schedule 4** of the National Law are also relevant to the appointment of National Board members:

2 Terms of office of members

Subject to this Schedule, a member holds office for the period (not exceeding 3 years) specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for reappointment.

3 Remuneration

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Ministerial Council may from time to time determine with respect to the member.

4 Vacancy in office of member

- (1) The office of a member becomes vacant if the member—
 - (a) completes a term of office; or
 - (b) resigns the office by instrument in writing addressed to the Chairperson of the Ministerial Council; or
 - (c) is removed from office by the Chairperson of the Ministerial Council under this clause; or
 - (d) is absent, without leave first being granted by the Chairperson of the Board, from 3 or more consecutive meetings of the National Board of which reasonable notice has been given to the member personally or by post; or

- (e) dies.
- (2) The Chairperson of the Ministerial Council may remove a member from office if—
 - (a) the member has been found guilty of an offence (whether in a participating jurisdiction or elsewhere) that, in the opinion of the Chairperson of the Ministerial Council, renders the member unfit to continue to hold the office of member; or
 - (b) the member ceases to be a registered health practitioner as a result of the member's misconduct, impairment or incompetence; or
 - (c) the member ceases to be eligible for appointment to the office that the member holds on the National Board; or
 - (d) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with member's creditors or makes an assignment of the member's remuneration for their benefit; or
 - (e) the National Board recommends the removal of the member, on the basis that the member has engaged in misconduct or has failed or is unable to properly exercise the member's functions as a member.

5 Vacancies to be advertised

- (1) Before the Ministerial Council appoints a member of a National Board, the vacancy to be filled is to be publicly advertised.
- (2) The National Agency may assist the Ministerial Council in the process of appointing members of a National Board, including in the advertising of vacancies.
- (3) It is not necessary to advertise a vacancy in the membership of a National Board before appointing a person to act in the office of a member.

Note. *The general interpretation provisions applicable to this Law under section 6 confer power to appoint acting members of a National Board.*

6 Extension of term of office during vacancy in membership

- (1) If the office of a member becomes vacant because the member has completed the member's term of office, the member is taken to continue to be a member during that vacancy until the date on which the vacancy is filled (whether by reappointment of the member or appointment of a successor to the member).
- (2) However, this clause ceases to apply to the member if—
 - (a) the member resigns the member's office by instrument in writing addressed to the Chairperson of the Ministerial Council; or
 - (b) the Chairperson of the Ministerial Council determines that the services of the member are no longer required.
- (3) The maximum period for which a member is taken to continue to be a member under this clause after completion of the member's term of office is six months.